IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18076 OF 2005

Dated : 16th August, 2005

Between:

M/s. Ananda Aqua Exports Pvt. Ltd.

Bheemavaram, Rep. By its Director.

Petitioner

AND

The District Collector,

East Godavari District, Kakinada and another

Respondents

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18076 OF 2005

ORAL ORDER

The petitioner company is in possession of about Ac.400.00 in Sy. Nos. 19, 23, 24, 26 to 33, 35, 37 and 38, in Kottapalem village, hamlet of Brahma Samedhyam village within Balusutippa gram panchayath, Katrenikona Mandal, East Godavari District. The company is carrying on business in aqua culture in the name and style of M/s. Ananda Acqua Exports Private Limited. It constructed ponds and also raised casuarina garden. While so, the 2nd respondent invoked the provisions of Act 9 of 1977 and issued notice dated 17.2.2005, stating that the lands in Sy.Nos. 16, 24, 27, 28 and 33 of Kothapalem, Hamlet of Brahmasamajam village, are hit by the provisions of the Act. While the matter was thus pending, a final order was passed on 13.3.2005. It is submitted that there was variance in Sy. Nos. in the final orders and, therefore, the petitioner filed WP No. 6084 of 2005, which was disposed of by order dated 23.7.2005. In terms of the said order, the petitioner submitted explanation and without passing orders thereon, another notice dated 20.7.2005, initiating roving enquiry was received by the petitioner. Aggrieved of the same, another writ petition No. 17208 of 2005 was filed, which was dismissed and an appeal being WA No. 1461 of 2005 came to be filed which is pending. It is further submitted that in the meantime, a final order dated 29.7.2005 was passed and there is variance of Sy. Nos., which was the grievance of the petitioner in WP No. 6084 of 2005. Therefore, the present writ petition is filed.

When this writ petition is listed for admission, it is submitted that against the order impugned in this writ petition, an appeal is provided under Sec. 4 of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 to the Revenue Divisional Officer.

Therefore, when an appeal is provided under the Act, the petitioner ought to preferred an appeal instead of straightaway approaching this Court and invoking the extraordinary jurisdiction of this court under Article 226 of the Constitution. Therefore, the writ petition is not maintainable and is accordingly dismissed. No order as to costs.

Elipe Dharma Rao, J.

August 16, 2005

MAS.